

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA**

ERIC OLLILA, Individually and on Behalf of All
Others Similarly Situated,

Plaintiff,

vs.

BABCOCK & WILCOX ENTERPRISES, INC.,
E. JAMES FERLAND and JENNY L. APKER,

Defendants.

CIVIL ACTION NO.: 3:17-CV-00109

**LEAD PLAINTIFF’S MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

Court-appointed Lead Plaintiff, Arkansas Teacher Retirement System, has entered into a Stipulation and Agreement of Settlement dated June 21, 2019 (“Stipulation”) with Defendants, and respectfully moves the Court for an Order: (i) preliminarily approving the Settlement (as defined in the Stipulation) on the terms set forth in the Stipulation; (ii) certifying the proposed Settlement Class for purposes of the Settlement pursuant to Fed. R. Civ. P. 23(a) and 23(b)(3); (iii) approving the form and content of the Notice, Claim Form, and Summary Notice attached as Exhibits A(1), A(2), and A(3) to the Proposed Preliminary Approval Order; (iv) approving the proposed procedures for dissemination of the Notice, Claim Form, and Summary Notice; and (v) set a date and time for the Settlement Fairness Hearing, at which the Court will consider final approval of the Settlement, the Plan of Allocation, and Lead Counsel’s application for attorneys’ fees and expenses, including reimbursement of costs and expenses to Lead Plaintiff pursuant to the PSLRA.

Pursuant to Local Civil Rule 7.1(B), Lead Plaintiff conferred with Defendants regarding this motion, and Defendants do not oppose.

In support of this Motion, Lead Plaintiff submits herewith: (1) the Lead Plaintiff's Memorandum of Law in Support of Motion for Preliminary Approval of Class Action Settlement; (2) the Declaration of Frederic S. Fox in Support of Lead Plaintiff's Motion for Preliminary Approval of Class Action Settlement (with Exhibits); and (3) a [Proposed] Order Preliminarily Approving Settlement and Providing For Notice, which is being submitted both as Exhibit A to Exhibit 1 of the Fox Declaration, and separately through CyberClerk in rich text format, as required by the applicable rules.

Dated: June 25, 2019

Respectfully submitted,

By: /s/ Frederic S. Fox

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Additional Counsel for Lead Plaintiff

CERTIFICATE OF SERVICE

I certify that on June 25, 2019, I electronically filed the above Lead Plaintiff's Motion For Preliminary Approval of Class Action Settlement, the Supporting Memorandum of Law, and the Supporting Declaration of Frederic S. Fox (with all Exhibits thereto), using the Court's CM/ECF system, which will be sent electronically to the registered participants as identified on the attached Electronic Mail Notice List.

/s/ Frederic S. Fox